Notice of Allowability	Application No.	Applicant(s)	
	09/824,869	MCGRATH ET AL.	
	Examiner	Art Unit	
	Shane F Gerstl	2183	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.			
1. X This communication is responsive to the Appeal Brief Filed	on 10/21/04.	•	
2. X The allowed claim(s) is/are 1, 2, 8-11, 13, 14, 17, 18, and 2	<u>20-37</u> .		
3. $\boxtimes$ The drawings filed on <u>02 April 2001</u> are accepted by the Ex	kaminer.		•
<ul> <li>4. ☐ Acknowledgment is made of a claim for foreign priority unallocation.</li> <li>a) ☐ All b) ☐ Some* c) ☐ None of the:</li> <li>1. ☐ Certified copies of the priority documents have</li> <li>2. ☐ Certified copies of the priority documents have</li> </ul>	been received. been received in Application No		in face the
<ul> <li>3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* Certified copies not received:</li> </ul>			
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		complying with the req	uirements
5. A SUBSTITUTE OATH OR DECLARATION must be subminformal PATENT APPLICATION (PTO-152) which give			OTICE OF
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") mus  (a) ☐ including changes required by the Notice of Draftspers  1) ☐ hereto or 2) ☐ to Paper No./Mail Date  (b) ☐ including changes required by the attached Examiner's Paper No./Mail Date  Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in the state of the property of the sheet is sheet as the sheet of the sheet is sheet in the state of the sheet is sheet in the state of the sheet is sheet in the sheet in the sheet is sheet in the sheet is sheet in the sheet in the sheet is sheet in the sheet in	on's Patent Drawing Review (PTO- s Amendment / Comment or in the O .84(c)) should be written on the drawir	office action of	back) of
7. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT	sit of BIOLOGICAL MATERIAL n FOR THE DEPOSIT OF BIOLOGIC	nust be submitted. N AL MATERIAL.	lote the
Attachment(s)  1. ☐ Notice of References Cited (PTO-892)  2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date  4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	5. Notice of Informal P 6. Interview Summary Paper No./Mail Dat 7. Examiner's Amenda 8. Examiner's Stateme 9. Other	(PTO-413), te nent/Comment	

## **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lawrence J. Merkel on 16 November 2004.

The application has been amended as follows: line 1 of claim 13 has been changed from "A method comprising:" to "A computer-implemented method comprising:"

2. The following is an examiner's statement of reasons for allowance: The arguments presented in the Appeal Brief filed 10/21/04 have been found to be persuasive. The Applicant's assertions that the antecedence of the phrase "said result" requires a single instruction produce the result for each of the situations (zero extending or preserving) is correct. In light of these arguments the prior art of record has been found to not specifically teach or suggest, individually or in combination, the apparatus and method of claims 1, 13, 20, 26, 32, and 35 for executing an instruction where a register has a first number of bits; when an operand size is a second number of bits of the instruction is fewer than the first number zero, extending the instruction result and placing it in the register; and when the operand size is a third number of bits less than the first number and not equal to the second number, placing the result in the register and preserving the non-updated bits; as well as all the other limitations of the claims.

The dependent claims 2, 8-11, 14, 17, 18, 21-25, 27-31, 33, 34, 36, and 37 are all allowable as being dependent on the allowable independent claims

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shane F Gerstl whose telephone number is (571) 272-4166. The examiner can normally be reached on M-F 6:45-4:15 (First Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shane F Gerstl Examiner Art Unit 2183 Application/Control Number: 09/824,869

Art Unit: 2183

November 16, 2004

Solie U

Page 4

SUPERVISORY PATENT EXAMINED TECHNOLOGY CENTER 2100